

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, SEPTEMBER 19, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
William Febiger
John Feener
Charlie Anderson
(Brandon Frontiero)

MEMBERS ABSENT

Arthur Socolow
Ann Jo Jackson, Vice Chair.

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Robert Gulla, Chairman opens the meeting and reads the agenda for this evening.

**REVIEW OF AMENDED, UPDATED OR FINAL INFORMATION, STATUS
REVIEWS, MINOR AMENDMENTS, SIGNING DECISIONS, CLOSURE OF
HEARINGS, ETC.**

RFD 1101-**5 CEDARWOOD ROAD** – The Agent notes a request for continuance re: pending issues. 10/17/07 was noted on the agenda with a change in continuation date of 12/5/07 7:30 PM.

MOTION: Mr. Anderson moves to continue the matter to 12/5/07 7:30 PM

SECOND: Mr. Feener **VOTE:** 4-0 all in favor

5 RADCLIFFE STREET

The Agent notes the Del. decision form was incorrect and should be a NoI. We are awaiting DEP comments and number.

MOTION: Mr. Feener moves to continue the matter to 10/03/07 7:05 PM

SECOND: Mr. Frontiero **VOTE:** 4-0 all in favor

15 WOLF HILL WAY

The Agent addresses the GCC and in review states that this is a violation issue and noted confirmation that the drainage issue has not been resolved.

Photos shown noted water sheeting down during a rainstorm. The Agent felt that they have been working minimally to correct this. She is trying to schedule a site visit.

It should be noted in the order of conditions that this is to be restored to grade.

Mr. Anderson notes that the GCC gave him until August and now it is September.

Mr. Gulla notes that they should be questioned as to what they have done and why or why not it worked. He noted the date of 10/3.

The Agent inquires as the issue being placed at the end of the agenda with Mr. Anderson stating yes.

Mr. Gulla, Chairman states that he will entertain a motion to continue.

MOTION: Mr. Feener moves to continue the matter to 10/3/07 9:30 PM.

SECOND: Mr. Anderson VOTE: 4-0 all in favor.

NILES POND ROAD – amendment to OoC regarding the catch basins.

Mr. Gulla states that he will entertain a motion re: the amendment to an OoC.

MOTION: Mr. Anderson

SECOND: Mr. Feener VOTE: 4-0

7:16 PM Mr. Febiger arrives.

27 KONDELIN ROAD

The Agent reviews with the GCC noting that this is in re: a 3rd party review. Mr. William Manuell will not be doing this as he states it is a conflict of interest.

Mr. Chip Nyland, Atty. for the applicant states someone from Wetland Management will be doing the 3rd party review. No other 3rd party was noted with no other dates as well.

Mr. Anderson inquired as to the applicant coming back with 3 perspective 3rd parties to choose from and Mr. Gulla notes that it is an option for them to do that. We can either select for them or grant a continuance. This seems to be a slippery slope as we either decide for them, deny it or continue the matter for a few more weeks. He then inquired as to a GCC recommendation and the Agent states that the GCC can select if they agree to do so.

Ms. Ryder notes the names from a list of potential 3rd party review individuals with the GCC discussing the choices. The selection agreed upon is Echo Tech. with Mr. Gulla stating he will entertain a motion to accept.

MOTION: Mr. Febiger

SECOND: Mr. Anderson VOTE: 5-0 all in favor

Mr. Febiger inquires as to what the next step would be and the Agent notes that a letter is to be sent regarding a quote of the fee and to also inform the applicant as to who was chosen. Mr. Anderson asked if the applicant could fight it and the Agent states that they can refuse to pay for it.

220 MAGNOLIA AVENUE – Request for Determination

The Agent notes that this was approved at the last meeting and here for signing this evening. This is a request for determination re: a septic system and proposed dwelling. The Agent submits a draft that all members of the GCC sign. (+5/-3/+2B neg. det.)

MOTION: Mr. Febiger moves to approve and sign.

SECOND: Mr. Feener ABSTENTION: Mr. Anderson VOTE: 4-0

16 PERRYWINKLE LANE

The Agent reviews with the GCC noting that there were no issues at the last meeting although DEP came back with concerns regarding the boardwalk. She further noted that the recommendation is to put a statement re: the boardwalk in the statement of reason re: Chapter 91 and a separate filing.

Jill Provencal present.

Mr. Gulla states he will entertain a motion to approve.

The Agent notes no issues with the house. Conditions noted: dock permits in place and Chapter 91 resolution.

MOTION: Mr. Febiger moves to approve with the above noted conditions.

SECOND: Mr. Feener ABSTENTION: Mr. Anderson VOTE: 4-0

Jill notes that the Chapter 91 issue has been resolved with the Agent stating then it should be a certificate. Jill states that re: DEP, they don't think it is a Chapter 91 issue and she will submit a letter from DEP to clear this up.

LOWER VIVIAN SWAMP – DOGTOWN

The Agent notes that a representative was suppose to produce a site plan.

Mr. Feener noted the area across from the compost site with the possibility of a gate and some signage with the need to have exact flagging done.

Mr. Gulla inquired with Mr. Feener as to him seeing the plants in question and Mr. Feener stated that they only bloom in the spring.

Ms. Ryder notes that the rep. came into the office with a written statement but needed a more detailed site plan. To date nothing has been submitted. She inquires with the GCC as to a 2 week extension for this matter.

Mr. Gulla agreed with that. The Agent noted that one written statement was submitted from Noel *****. She tried to speak but was told to submit in writing which she has done.

MOTION: Mr. Febiger moves to continue the matter to 10/03/07

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

35 LAUREL STREET - CoC

The Agent reviews with the GCC noting this as a request for CoC.

She has no issues with this and recommends that the GCC issue and sign.

MOTION: Mr. Feener moves to approve

SECOND: Mr. Anderson VOTE: 5-0 all in favor.

9 FENLEY - Request for Extension

The Agent reviews with the GCC stating that this has significant drainage issues.

The plan was revised and the permit expired. The GCC can grant 2 more 1 year extensions and noted this meeting the current storm water.

Mr. Anderson inquired as to the Cedarwood property being impacted and Ms. Ryder states that the water flows to the WL on the other side. She has no issues with it but notes that so many individuals are getting flooded as there is so much ground water with a great deal of neighborhood frustration, but this is not a GCC issue.

Construction has not started as of yet. She has a concern re: the ground water. They did meet the burden of proof and noted this being a duplex behind a row of houses.

MOTION: Mr. Febiger moves to approve an extension for 1 year

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

If the requirements are not met within the 1 year, no more extensions will be granted.

1120 WASHINGTON STREET

The Agent reviews with the GCC noting that the church has not done anything as of yet with the Eng. Dept. A revised storm water plan is needed. She has not received anything new.

Mr. Gulla suggests a letter to be sent and Ms. Ryder noted that it was already done. Mr. Steven Pardee present and states that the community is concerned as this is an historical building.

The Agent suggests maybe a withdrawal is in order w/o prejudice. Mr. Gulla inquires as to a letter re: the Agent's above comment. Mr. Anderson agreed a letter would be warranted.

Mr. Gulla inquired with Mr. Pardee re: a timeline and Mr. Pardee stated that they are meeting with the developer and then the architect with things being on track but that he does not have a definitive timeline.

Mr. Gulla notes 1 more letter to be sent with a continuance to 10/17/07 9:30 PM

MOTION: Mr. Anderson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger

VOTE: 5-0 all in favor.

PUBLIC COMMENT: This is the time for any members of the general public who would like to speak on any Conservation issue that is not on the agenda for this evening.

NONE/CLOSED.

3 NORTH LANDING WAY NoI

This is a continuation of an enforcement hearing to address un-permitted fill submitted at 3 North Landing Way ROW.

The Agent reviews with the GCC noting that the applicant was to file documents with her office by last Wednesday. Marie sent an e mail to the Attorney on record.

They contacted a surveyor two days ago but needed to submit any documents a week ago. It was noted that the surveyor sent an email stating he did not have coastal experience and he withdrew with John from Hancock being hired.

The Agent notes that the issue is the dumping of sand in a tidal marsh and that this is not a small thing. She recommends the GCC ratify the Enforcement Order and give them a specific time to resolve this. The damage is done and this is not a good situation.

Mr. Anderson agreed.

PUBLIC COMMENT: none/closed.

Mr. Feener notes that things seem to get done quicker when fines are levied.

The Agent notes that the NoI was supposed to be submitted 08/15/07.

Mr. Gulla inquired as to the wording to include what the fines would be, having an Enforcement Order with a letter.

The Agent notes that one was issued and the GCC voted to delay issuing it.

MOTION: Mr. Anderson moves to issue the Enforcement Order with a letter

SECOND: Mr. Febiger

VOTE: 5-0 all in favor.

Mr. Anderson inquired as to this coming under state WL as well and the Agent notes that the fines would be state and local. This issue will be scheduled on the agenda for 10/17/07 9:30 (listing this in the Violation section of the agenda).

632 WESTERN AVENUE (Map 194, Lot 74) **NEW**

Request for Determination submitted by Alberto and Chrissy Rosso for a septic system upgrade.

Mr. Alberto Rosso present.

The Agent notes she has no concerns. This is a Title 5 upgrade, (it is riverfront). They cannot minimize any more than they have already.

She notes this being in the inner and outer riparian zone.

Mr. Febiger inquired as to the work being done this fall and Mr. Rosso stated yes.

Mr. Frontiero inquired as to the only body of water being the stream with Mr. Gulla stating the stream and on the plan, the upper left corner with nothing downhill.

Mr. Anderson had no comments on the issue.

Mr. Feener inquired as to planting and the Agent notes 2 to 1 mitigation is standard.

PUBLIC COMMENT: none/closed.

Mr. Febiger states that the existing vegetation should be noted on the plan with the Agent noting that on the drawings the inner riparian is noted.

Mr. Rosso points out to the GCC using Mr. Feener's copy and denoting with a red pen the trees and vegetation.

The Agent inquired with Mr. Febiger if the intent is to have a no future disturbance zone with Mr. Febiger stating no, just document that it is there.

Mr. Anderson inquires as to a negative determination with the Agent stating that can be done. She has no concerns regarding this one.

Negative determination +2B/ / .

MOTION: Mr. Febiger moves for a neg. determination

SECOND: Mr. Anderson **VOTE:** 5-0 all in favor.

BRACE COVE ROAD AND NILES POND CAUSEWAY (Map 134, Lot 28)

NoI, after the fact, submitted by Eastern Point Residents Assoc. for storm response work, future protocol of storm damage and spreading sand.

Mr. William Manuell, WL and Land Management, rep. the applicants.

He updates the GCC regarding the issues and noting discussions at previous meetings re: the resource areas. A Barrier Beach Management Plan was submitted to the Agent as a draft. There was a meeting in the office and in the field.

One goal is to try and achieve a storm management plan. The residents and the Association are in favor of preserving the causeway and also feel strongly about preserving the pond. The 1949 plan shows the causeway as 50 ft. wide and presently it is 10 ft. at the surface and 20 at the base.

In the recent past the water has washed over the causeway. The materials removed after the last storm were not necessarily beach but parts of the causeway breaking up.

He further noted walking the area with Ms. Ryder and agreed upon the limit of work area, noting flags as well. Annual maintenance would be performed as well. If the GCC feels that this is going in the right direction then hopefully we can finalize the Barrier Beach Management Plan.

Mr. Febiger inquired as to any potential expansion and Mr. Manuell stated no. The area is close to willow shrubs and maybe more will be added.

Mr. Gulla inquired as to a draft to the Agent and not the GCC with Mr. Manuell stating that he thought guidance was needed first.

Mr. Anderson stated that he thinks this is what we wanted, a management plan, depending on the content. He feels this shows good progress.

Ms. Ryder in relation the dune/causeway, sand is not blowing but the top of the causeway gets blown off towards the pond. This is an historical existing roadway.

The Agent notes 2 concerns (not negative).

A specific list as to what is not to be done needs to be created.

Photos show that a number of willows that are severely stressed with possible root damage. Mr. Feener notes not replacing the existing but give them a chance to grow.

Ms. Ryder notes maybe replace was not a good word to use but to add just as many new plantings in relation to what exists currently.

Mr. Febiger notes that he agrees with Mr. Anderson regarding the way things are moving along with the assistance of Ms. Ryder.

Mr. Manuell notes that basically the Assoc. cleans out the culvert.

Mr. Febiger inquired as to alternative to the culvert.

Mr. Manuell notes that any excavation for a new culvert or notch would be a huge project.

Mr. Anderson notes that it just needs to be maintained as long as specific areas are clearly marked.

Ms. Ryder notes that monitoring is needed.

Mr. Gulla agrees noting that over time things change and others may be able to interpret the wording differently.

PUBLIC COMMENT: none/closed.

Mr. Anderson inquired as to this being in the draft stage at this point in time with Mr. Manuell stating he is working towards a finalization with this with submissions in a week before the next meeting. He will also be looking for a one time request for the placement of boulders, an armoring of rocks to the bank.

The Agent notes that this has reasonable merit but exceeds this NoI. It would be considered an amendment with DEP notification.

Mr. Frontiero inquired as to the armoring being enough with the marrafee fabric and Mr. Manuell responded stating that nothing will be enough. He explains the placing of the fabric, noting it too extensive and the Association does not want to do that.

The stones will need to be imported.

Mr. Gulla inquired with the Agent as to the armorment being OK to do and Ms. Ryder states that the GCC should read the Performance Standards regarding this particular issue. Mr. Manuell states that in his opinion a built up roadway cannot be construed as a dune and gave his reasons. He further noted that he and Ms. Ryder are not in agreement with this.

Ms. Ryder notes that DEP considers this area a coastal bank. She notes that Mr. Manuell has a valid point but that she and Mr. Manuell are not going to agree on this.

Mr. Manuell states that the causeway is an Engineering structure and he doesn't see how it is a dune or coastal bank.

Mr. Gulla notes that he needs to do a site visit.

Mr. Manuell states he sees value in the GCC going out to the site as a group.

Ms. Ryder recommends a site visit be done after the plan is submitted.

Mr. Manuell notes that if this becomes a major issue then the Association will not do it. Mr. Feener asked if Mr. Manuell could submit a mitigation plan and Mr. Manuell stated yes.

MOTION: Mr. Anderson moves to continue the matter to 10/03/07 8:30 PM

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

25 NILES POND ROAD (Map 136, Lot 51)

Request for Determination of applicability, submitted by Allen Crocker to conduct a soil test, restore BVW buffer and upgrade the septic system.

Mr. Manuell rep. the applicant notes this as an RDA for soils testing which will include the area for the septic. He notes bedrock not being found. He further notes a tight tank and approval from the BoH. This is listed a seasonal home.

There would be a removal of the existing tank and a tight tank put in place. He notes the erosion control on the plan. In the 1980's an in ground pool was installed in the WL area. There is a proposed removal of the pool scheduled and restoration re: the WL. The material adjacent to the pool is to be used as it was recovered from the orig. digging out of the pool area. He also noted some shrubs in the area.

A Wetland Scientist will be on site. Two growing seasons were noted as well.

Mr. Gulla notes that part of this had been previously approved.

Ms. Ryder notes that the perc testing was prev. approved and we are now onto the second of 2 parts.

Mr. Frontiero notes that any imported materials be free fill and avoid silty material as water will not pass through it.

Mr. Febiger inquires as to a hole being left in regards to the pool and Mr. Manuell states that they will match the existing grade.

Ms. Ryder notes no concerns but inquires as to why the don't create a vernal pool yet not a bad idea in so far as keeping with the surrounding area and let it engulf it.

Mr. Gulla states that the GCC needs to stipulate what material is to be used.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion to approve with a condition that the imported material be free draining.

The Agent recommends 3 to 5 year for annual reports to be done as 2 years seems ambitious.

Mr. Anderson notes possibly 3 years with an option either way, using the 3 but if things are going well and 5 if they are not.

Conditions noted: Wetland Scientist be present, annual report 3 year, with an option to end at 2 years with 75% being done, free draining material to be used, tight tank in place and the mortality issue goes with the 3 year option noted above.

MOTION: Mr. Anderson moves to approve

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

18 RIVERSIDE ROAD (Map 100, Lot 6) **NEW**

Gail Guittar to raze existing dwelling and construct a new dwelling, garage, porch and addition in a riverfront area.

Mr. William Manuell, rep. the applicant address the GCC and states that the existing home is showing some aging. He notes a local architect coming up with a plan razing the existing building and building a new one. Poore and Co. was noted.

He notes an existing bituminous driveway. The Mill River is on the easterly side with the coastal bank cutting along the property. Land subject to coastal flooding at 10.

He further notes a cut block granite wall and the cinder blocks placed at the southerly portion were done after the fact. He notes the removal of the existing house and the grade of the cellar floor consistent with the new foundation.

There is a proposed garage with a small addition. They are going to the ZB of Appeals regarding zoning issues. This property is riverfront which encumbers the entire property.

Mr. Manuell notes: demolition and construction to be done with a dumpster on site, machinery in existing bituminous driveway, a new foundation to be built and a new dwelling to be built on the site. He further notes a terrace, designed by Poore and Co. using blocks and stone encased in marrafee. He notes a pervious clamshell driveway as being 800 ft. of pervious area. Bluestone will be used at the terrace along with rain garden areas along the coastal bank. Re-pointing the granite block wall is proposed with the removal of the cinder blocks and replaced with a new wall. There will be a replacement of a significant amount of lawn with indigenous plantings and notes the darker green areas on the plan as plantings. The existing stairs will be re-surfaced.

Mr. Manuell notes that all work to be done is well documented in the NoI.

Any additions to the home will be landward.

Mr. Anderson inquires as to the net gain or loss of impervious with Ms. Ryder stating 4700 sq. ft. and Mr. Manuell stating that the figure is not accurate and explains to the GCC his reasoning and notes maintaining the existing footprint with the increase being approx. 750 sq. ft.

The Agent reminds the GCC that this is a riverfront resource project and set steps need to be taken and considered.

Mr. Febiger inquired as to the rain gardens being gravel filled with Mr. Manuell stating yes, and noting that any place where there is a wall, behind it is built up with gravel.

Mr. Gulla inquired as to trees being removed and Mr. Manuell stated no.

Mr. Febiger further discussed the plantings with Mr. Manuell.

Mr. Anderson states that the GCC will need an alternatives analysis.

Mr. Manuell states that it is in the NoI and that the alternatives are limited to the land with an 8600 sq. ft. lot there are not a lot of alternatives.

The Agent notes the Performance Standards stating this to be premature and inappropriate. This being a complete tear down exceeding the footprint.

A full alternatives analysis needs to be done and the regulations state that.

The Agent states that the plan is completely out of sync with the regulations.

She did not see the pier being permitted earlier. She feels the need to go back to step 1. This is not redevelopment, this is new construction.

Mr. Manuell states it is partial new development and he takes exception to the comment that the plan is completely inadequate. He notes this being a single family and the year 1996, with alternatives limited the lot itself.

Mr. Gulla notes that obvious restrictions are the setbacks.

Mr. Febiger inquires with Mr. Manuell asking if the reason for not working to put the house back somewhat is the footprint and Mr. Manuell stated yes.

Mr. Anderson states that it should be shown why it cannot go anyplace else.
Mr. Febiger notes the possibility of 1 other alternative.
Mr. Gulla notes that there is a 40 ft. swath to work with.
The Agent proceeds to read the regulations for the GCC and Mr. Manuell.
She further states the GCC needs to decide whether this is a new construction project or redevelopment. She believes this to be new construction and the discussion this evening is extremely premature. It is up to the applicant to come up with an alternative and not up to the GCC. We have no alternatives to review as of yet.
Mr. Manuell states that this is a redevelopment of an existing lot and believes that you can have redevelopment and new construction on the same project.
The Agent states that she does not believe you can have redevelopment and new construction on the same lot. She does not believe that this can meet the redevelopment standards.
Mr. Gulla states that he considers this new development.
Mr. Anderson states that he wants to go back and read the regulations. This is redevelopment under the state regs. and new under the locals regs.
If it is decided that this is new development then that is not consistent with the GCC previous rulings.
Mr. Anderson inquired as to the overhang/eave on the plan with Mr. Gulla noting the same as some type of second floor projection. Mr. Manuell states it is an eave.
Mr. Frontiero notes this as new development.
Mr. Anderson would like to read the regulations.
Mr. Febiger does not know at this time.
Mr. Feener needs to read more about it.
Mr. Manuell states that he will try to get the GCC more clarification.
PUBLIC COMMENT: none/closed.
Mr. Gulla states he will entertain a motion to continue the matter.
MOTION: Mr. Feener moves to continue the matter to 10/17/07 8:00 PM.
SECOND: Mr. Febiger VOTE: 5-0 all in favor.
The Agent notes that if the GCC decides either way re: redevelopment or new construction, we can let Mr. Manuell know before the date.

458 WASHINGTON STREET (Map 109, Lot 6)

NoI 28-1889, submitted by Mr. Frank Piraino to construct a seasonal gangway and float on Mill River.

Mr. Manuell, rep. the applicant notes that they tried for a low tide site visit and it is scheduled for tomorrow (09/20/07).

He is requesting a two week continuance. The site visit will include Jim, Bill and Ms. Ryder.

MOTION: Mr. Anderson moves to continue the matter to 10/03/07 8:30 PM

SECOND: Mr. Feener VOTE: 5-0 all in favor

9:22 A 5 minute recess is requested.

MOTION: Mr. Feener moves for the recess

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

9:27 The meeting resumes.

54 GRAPEVINE ROAD (Map 76, Lot 37)

Request for Determination of Applicability submitted by Frank Burnham for the construction of an above ground pool and discussion and resolution of a fill violation. Mr. Steve Pardee, rep. the applicant states he is here to discuss the above ground pool and violations re: fill. Photos are viewed by the GCC noting this directly abuts a WL area. He notes 100 ft. and this being a little less from the street, 80 inches from the street level and prone to constant flooding. He further notes a small seasonal brook that services a culvert somewhere in the neighborhood. He notes a neighbor to the eastern side having comments re: the filling in of the area and noting a bowl affect from the above ground pool. Mr. Burnham initiated stone dust to eliminate the collection of water with $\frac{3}{4}$ inch pea stone used to elevate it. Mr. Burnham has a natural barrier separating the WL from his property. It was noted the allowance of his property up to the height of the berm so rain and pooling does not affect the area in question. He notes the continuing effort to raise up the area to facilitate the natural flow of water. He notes 2 rain water leaders, one being cast iron, to a drywell situated midway into the lawn with leftover material placed about 8 inches high and 2 ft., approx. 25 ft. of it stopping at the edge of the WL border. On the east side re: the neighbor's parcel of land, which has over 2 $\frac{1}{2}$ ft. in variation from Mr. Burnham's parcel to the neighbors so water pools in his backyard. He further noted that on 9/18/07, after a site visit a list of suggestions was given.

Ms. Ryder notes that they were not suggestions but that there was a discussion.

Mr. Pardee states that the owner will remove any excess materials that he needs to do and that the pea stone is now consistent with the elevation of the rest of the backyard.

Ms. Ryder notes the 2 corners where the leaders are that drain into the WL with Mr. Pardee noting the photos and points out the location of the leaders and where they go into the yard. He further noted natural berry plantings and that the owner is willing to plant more if necessary. The owner would like to go forward re: the lawn and a new above ground pool with top soil and filter fabric as well as vegetative swales if necessary. He further notes that perhaps even more can be done but it looks pretty dense at this point. The temp. building noted in the photos will be removed.

The Agent notes that without a plan present, there is not a lot to discuss.

The fill goes into the BVW and would like it pulled back and a vegetative buffer is needed. The fill in the BVW, adjacent to the stream, needs to be pulled back along with the removal of the shed. A tremendous amount of stone fill is noted in the photos.

Mr. Gulla notes that there is need to make sure the draining does not go into the WL and that in agreement with the Agent, there needs to be a plan. He does not foresee any big problems but a plan needs to come before the GCC for review as well as a site plan and narrative.

The Agent notes that both sheds were not permitted.

Mr. Gulla notes that it was stated that the cloth shed is going away and the bigger shed is staying.

The Agent notes that delineation is needed.

Mr. Gulla notes an RDA and restoration needed.

PUBLIC COMMENT:

Virginia Renahan, 56 Grapevine Rd. states that the water is not in the pool area as the culvert is across the street. Every year additional fill and gravel is added on the property. The ground has been seriously compressed. She feels the Commission should not allow someone to compound the problem. She notes surcharging as a method to be done to improve the property.

Mr. Gulla notes that a site plan needs to be submitted so that all of this can be shown in detail. Mr. Gulla states he will entertain a motion to continue the matter.

MOTION: Mr. Feener moves to continue the matter to 10/17/07 7:30 PM

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

169 CONCORD STREET (Map 242, Lot 45) **NEW**

Paula Haddad requests the Cons. Comm. to determine the applicability of the WL Protection Act and the local Wetlands Ord. for construction of an access road and installation of a septic system.

Mr. Seakamp, Seakamp, Environmental Consultants rep. the applicant.

Ms. Paula Haddad, applicant is present as well.

In a previous discussion with the Agent, there is a small isolated WL area issue:

A secondary leeching field has been designed in that area with test pits being done October of 2005. Materials placed in the area in 1999 were not done by the applicant.

He notes water being backed up and it looks like it perked but may meet the regulations to be a WL. He notes this as being a small area and not state or federal WL jurisdiction.

Ms. Haddad notes that the pictures taken by the Agent were done the end of April and that we had extreme weather of approx. 20 or 30 days of rain.

The Agent notes bits of vegetation in the WL and that this area is not shown appropriately on the plan. The septic is out of the GCC jurisdiction.

The GCC takes time to review the plan.

It was noted that it was requested that test pits be done in the center and there is a disagreement re: the delineation.

Mr. Seakamp states that there is a slope and water has backed up due to the fill.

Test pits were done and apparently perked.

Mr. Febiger inquires as to the pile of gravel and Ms. Haddad states the pile was not put there by her.

The Agent notes that the test pit done in 2005, at that time was dry but does not mean that it was not a protected area.

Mr. Gulla inquired with the GCC as to a site visit and Ms. Haddad states that if a site visit is to be done she would like the whole GCC to attend.

The Agent states that they can go by and sit in their car and see it individually.

Mr. Seakamp discusses the particular isolated area and states that he will flag where the depressed area is next to the gravel.

Mr. Gulla requests that Mr. Seakamp note on the plan where he puts the flags.

The Agent notes that test pits are needed in relation to jurisdictional issues.

Mr. Gulla inquires as to a hole to be dug.

Ms. Haddad states that the WL is not part of the gravel and the Agent is making assumptions.

The Agent notes that no assumptions are being made by her. She further states that she will be on site as well as Mike Hale when the digging is to be done which should be as soon as possible.

Mr. Gulla states that he will entertain a motion to continue for a site visit and further discussion before the GCC.

MOTION: Mr. Febiger

SECOND: Mr. Anderson VOTE: 5-0 all in favor.

16 CONONICUS ROAD (Map 231, Lot 13)

NoI submitted by Alcock Realty Trust to raze and rebuild a dwelling on an existing foundation and construct a detached garage.

There is a request for continuation to 10/17/07 8PM.

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

25 WINGAERSHEEK ROAD (Map 257, Lot 250)

NoI submitted by Samuel Saccardo to construct a residential dwelling and garage with assoc. driveway, grading and utilities.

Mr. Chip Nyland rep. the applicant. Mr. John Judd is unavailable.

Mr. Nyland notes this as being a revised plan. He notes the isolated WL and states that the proposed location of the house has been moved away from it as well as the driveway.

The garage is now part of the house with a ramp going into the garage.

He notes the question of the area being a primary dune and states the Performance Standards as the same.

Mr. Gulla notes his concern re: a gravel driveway in relation to a problem if the dune passes over the gravel driveway. He also notes his concern regarding a pump chamber in the driveway and getting them closer to the field. The odds of that particular area shifting are not as much of an issue.

Mr. Nyland discusses the driveway and notes the location on the plan as well as noting potential dune grass plantings.

Mr. Gulla notes that the area to the left and discusses dunes and sand being channeled to the septic and the driveway. He further states that to manipulate the dunes to accommodate the driveway is a problem for him.

The Agent notes her agreement with Mr. Gulla. She notes a case law that controls this issue. This does not meet Performance Standards of a barrier beach or coastal dune.

The volume and form of the dune is protected. You will be in the form and body of the dune with the septic boxes.

Mr. Gulla notes that in his opinion this does not meet the Performance Standards and thought that we were on the right path but this is different and a bit disconcerting.

Mr. Febiger stated that he thought we had concurrence at the last meeting.

Mr. Nyland stated there was no concurrence by the applicant.

Mr. Febiger notes that putting it in a low spot is advantageous as there would be less shifting.

There was further discussion re: the septic system and location.

Mr. Feener states that the more he hears about it now the more uncomfortable he feels about it. He states he is not comfortable re: the dune.

Mr. Gulla states he is not comfortable at this time with the driveway and the boxes.

Mr. Febiger notes his agreement re: the driveway.

Mr. Nyland states he would like to have the expertise of Mr. John Judd regarding these issues.

Ms. Ryder suggests the GCC vote now as she sees nothing changing and it will probably go to DEP. There is not a lot of flexibility regarding Performance Standards and she does not see us getting any further with this.

PUBLIC COMMENT:

Mr. Samuel Saccardo, applicant states that Mr. Judd has informed him that the boxes would be sub-surface.

Mr. Gulla notes the boxes being put in an area which already has vegetation and would like to see a location more suitable than where they are proposed.

Mr. Saccardo inquired as to under the house and the Agent stated that is not possible as the Board of Health requires it to be accessible. You cannot impact the vegetation and cannot do this as proposed as it does not meet the Performance Standards.

Mr. Saccardo stated that they streamlined the driveway.

The Agent states that there should not be a driveway in the proposed location and where you plan to put the driveway is vegetation and you cannot do that anyway. This is part of a lot that was subdivided. The Agent further states that the applicant can take down the shed and use the area for parking. Park in the footprint of the existing structure.

Mr. Saccardo states that the house has been reduced three times already.

Mr. Nyland states that because of fundamental differences re: Performance Standards he is asking for a continuance.

MOTION: Mr. Febiger moves to continue the matter to 10/17/07 9:30 PM

SECOND: Mr. Anderson **VOTE:** 5-0 all in favor

The Agent notes that any major changes have to go to DEP for review. This amended plan is so drastically different and substantial enough to be sent to DEP.

281R MAGNOLIA AVE (Map 206, Lot 9)

Notice of Resource Area Delineation submitted by Willard Perkins, for Hearthstone Realty Corp.

The Agent notes that what was submitted meets the scope of the work.

Jeff Andrews present.

Mr. Gulla states he will entertain a motion to approve 3rd party review proposal.

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Feener **VOTE:** 5-0 all in favor.

607 WESTERN AVE AND 171 MAGNOLIA AVE (Map 199, Lots 11 and 13 and Map 198, Lot 20.

Third Party Review Proposal.

MOTION: Mr. Febiger moves to continue the matter to 10/3/07 7:30 PM

SECOND: Mr. Feener **VOTE:** 5-0 all in favor.

12 RIO DRIVE

Approval of 3rd party review and fee with Mr. Peter Rosen.

A site visit is scheduled for tomorrow (09/20/07)

MOTION: Mr. Anderson moves to approve

SECOND: Mr. Febiger VOTE: 5-0 all in favor

33 EMERSON

A site visit is scheduled for tomorrow. The Agent will be at 12 Rio site visit and Mr. Gulla and Mr. Anderson will be at the Emerson site visit.

Steve Goldan has an appeal filed and states that the GCC approved something that has violations.

A discussion among the GCC members was had re: violations.

The GCC discussed the re-writing of the Ordinance noting the GCC adopted the MACC format. The Agent notes that more of a public forum is needed, along with developers and landowners. The MACC model makes it worse in terms of understanding all of it. Mr. Gulla notes going a different road w/more public opinion.

The Agent notes that someone from every group is to have input in the writing otherwise it will not fly. She suggests everyone email her with their ideas which she will compile and bring back to review at another meeting.

Mr. Anderson departs the meeting.

BASS ROCKS GOLF COURSE

Minor amendment for maintenance work on tees, greens and bunkers.

The Agent notes having no problems with this. Photos were submitted.

She states that this is an expansion of what has been done and a minor change.

Mr. Gulla states he will entertain a motion to approve the minor amendment.

MOTION: Mr. Feener moves to approve

SECOND: Mr. Febiger VOTE: 4-0

STACY BOULEVARD

City of Gloucester for maintenance work to be done.

The Agent states she has no issues re: maintenance work. They are replacing 6 large stones, regrading and replacing a step and handrail.

NOTE: Nothing is to go over the wall except designated workers.

MOTION: Mr. Frontiero

SECOND: Mr. Feener VOTE: 4-0 all in favor.

STAGE FORT PARK

City of Gloucester DPW for Emergency repair (FEMA).

MOTION: Mr. Frontiero

SECOND: Mr. Feener VOTE: 4-0 all in favor.

187 ESSEX AVE

Letter Permit amendment. The Agent will issue the Letter Permit.

REQUEST FOR CERTIFICATE OF COMPLIANCE

2 Mayflower Lane- approved

214 Atlantic Road- approved

21 Fernwood Lake Ave – approved

MOTION: Mr. Febiger SECOND: Mr. Feener VOTE: 4-0 all in favor

128 Wheeler – denied.

25 Riverview Road – denied

MOTION: Mr. Feener SECOND: Mr. Frontiero VOTE: 4-0 all in favor

EXTENSION PERMITS

75 Essex Ave, Cape Ann Marina

19 Riverside Road

147-149 Wingaersheek Road, Ayerhead

One year extension granted for all of the above.

Other Business

The Agent notes that the Public Municipal Management Seminar course was great.

MACC courses avail. 12/08/07 Coastal WL training program. She would like all GCC members to be present. This is a state wide invitation.

Mr. Gulla states he will entertain a motion to adjourn the meeting for this evening.

MOTION: Mr. Feener SECOND: Mr. Frontiero VOTE: 4-0 all in favor.

Meeting adjourned.

Respectfully submitted,

Carol A. Gray
Recording Clerk